



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/05/04

AGENDA ITEM _____

WORK SESSION ITEM WS#3

TO: Mayor and City Council

FROM: City Attorney

SUBJECT: Discussion Regarding Consideration of Amendment to Mobilehome Ordinance

RECOMMENDATION:

Staff is requesting direction from the Council regarding the consideration of and authorization to prepare a staff report for a proposed amendment to the Mobilehome Space Rent Stabilization Ordinance

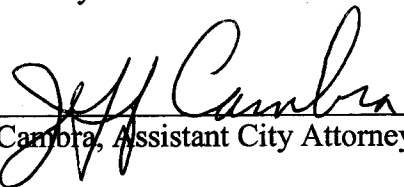
BACKGROUND:

On Tuesday, September 21, 2004, members of the Hayward Mobilehome Owners Association met with staff in order to discuss the possibility of expediting a change in the Mobilehome Space Rent Stabilization Ordinance

Presently, section 5(c) of the ordinance requires the residents of a mobilehome park who have filed a petition for rent review to pay the disputed space rent amount to the park owner in trust. The Amendment Committee feels that this provision works to create a hardship on residents in the mobilehome community, especially when the proposed rent increase is a large percentage of the overall space rent.

The Committee wishes to have the trust account language removed and replaced with language providing that the proposed space rent increase would not become effective until a hearing officer made a final determination. A copy of the proposed amendment language as submitted by the Amendment Committee is attached. The Committee is requesting the Council to consider the proposed amendment as soon as possible.

Prepared by:


Jeff Canbra, Assistant City Attorney

Recommended by:


Michael O'Toole, City Attorney

Approved by:


Jesús Armas, City Manager

Attachment: Proposed Amendment

PROPOSED AMENDMENT

Revise Section 10(a) as follows:

If a final decision by an Arbitrator finds that a proposed increase or any portion thereof that was previously inoperative is justified, the Tenant shall pay the increase found justified to the Park Owner per the findings of the Arbitrator. Inclusive is any issues as to retroactivity.

Revise Section 10(b) line three:

Replace "paid to the Tenant" with "paid by the Tenant".

Delete Section 10 (c):

Delete Section 10(d):

Add new Section 10 (c) to read as follows:

Upon the filing of a petition, contested rent increases shall not be effective, and may not be collected until and to the extent they are awarded by an arbitrator or until the petition is abandoned. As used herein, the term "abandoned" refers to lack of prosecution of the arbitration by the mobilehome tenants' representative(s). Rent increases originated by the Park Owner are not intended to apply to Section 3, (a) and (b) of the Ordinance.